IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 12TH OCTOBER 2006 / 20TH ASWINA 1928

Bail Appl..No. 6102 of 2006

CRIME NO.52/2006 OF EXCISE RANGE, VATAKARA, KOZHIKODE

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PETITIONER/ACCUSED

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1. ROBIN, S/O.KURIAN,
   VALIYA PARAMBIL HOUSE, KUMARAM PUTHUR AMSOM DESOM,
   MANNARKKADU TALUK.

2. UNNIKRISHNAN, S/O.PARANGODAN,
   KUTTIPURATHU HOUSE, KARIMPUZHA AMSOM DESOM,
   OTTAPALAM TALUK.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY EXCISE INSPECTOR,
EXCISE RANGE OFFICE, VATAKARA, KOZHIKODE DISTRICT,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6102/2006

DATED THIS THE 12TH DAY OF OCTOBER, 2006

O R D E R

The petitioners are accused of the offence punishable under Section 55(a) of the Abkari Act, for they were found in illegal possession of 5.860 litres of Indian made foreign liquor, having purchased from Mahi, a different territory, where relaxation of sales tax is available. The Excise Range Inspector of Vatakara Excise Range, registered C.R.No.52/2006 against the petitioners, and they were arrested on 21.9.2006. Hence this application, under Section 439 Cr.P.C.

2. The learned counsel for the petitioners submitted that they had purchased it for their own consumption, and each petitioner is entitled to possess three litres of Indian made foreign liquor, as per the rules.

3. Without entering into any discussion on the merit of the matter, I grant bail and release the

petitioners from jail, subject to the following conditions:-

(a). Each petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Vatakara.

(b). The petitioners shall report before the Investigating Officer, as and when required.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs